

OVER-THE-COUNTER HEARING AIDS

Mr. GRASSLEY. Mr. President, I hear from Iowans all the time about the high cost of hearing aids. The \$5,000 or \$6,000 or even \$10,000 costs are often shocking for seniors who are on fixed incomes.

Thirty-eight million Americans, and, obviously, most of the time adults, have hearing loss. Hearing loss makes it harder to work, harder to socialize, and then easier to become isolated.

In 2016, I began a bipartisan effort with Democratic Senator WARREN of Massachusetts to allow consumers to purchase over-the-counter hearing aids. If you can buy nonprescription reading glasses over the counter, it makes very good sense that you should be able to buy basic, safe hearing aids as well.

When Senator WARREN and I began our efforts, our goal was simple: By making more products more easily available to consumers, this competition will increase and then lead to lower costs.

Despite every special interest, we passed in 2017 a bill that is entitled the "Over-the-Counter Hearing Aid Act." Last week, the FDA, just now, released proposed regulations for over-the-counter hearing aids. This is very welcomed news, but it took the FDA bureaucracy more than 3 years to draft regulations.

Senator WARREN and I pressed both the Trump administration and now the Biden administration to take action, get these regulations out so we can get these over-the-counter hearing aids on the market. I am glad that the FDA finally did its job.

Now the same Iowans who told me about the high cost of hearing aids can comment on the draft regulations. So everybody who wants to make such comments has until January 18 of next year to make comments on the draft regulations.

As long as the FDA bureaucracy acts—and I hope they will be listening—I expect Iowans can purchase over-the-counter hearing aids sometime in early 2022.

This is good news for Iowans and for Americans, generally.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

BIDEN ADMINISTRATION

Mrs. FISCHER. Mr. President, I rise to discuss where things stand after 9 months under President Biden.

To start, American citizens are still left behind enemy lines in Afghanistan, even though the President said in August that he would get every single American home safe before pulling out our troops.

And the numbers are much worse than the administration has led us to believe. As of this week, the State Department is in touch with more than 400 Americans who are still in Afghanistan. About half of those—at least 196 American citizens—want to leave, but they have been unable to do so.

Leaving even one American citizen who wants to come home at the mercy of the Taliban is a failure in leadership. It should never have been an option. But it has been 2 months, and there are still 196 Americans in Afghanistan who want out. That is unconscionable.

President Biden should have done what was needed to bring every last American home, like he promised he would do in August. That is his No. 1 responsibility as President, to ensure the safety of the American people.

But maybe we shouldn't be surprised, since he hasn't been able to secure our own border. In fact, he doesn't even try to secure our southern border.

Customs and Border Protection reported recently that they apprehended more than 1.7 million migrants attempting to cross our southern border illegally over the span of just 12 months. That is the highest total ever recorded in a single fiscal year. And if border agents encountered 1.7 illegal migrants, imagine how many were able to cross into our country undetected.

CBP encountered nearly 200,000 illegal migrants last month alone, meaning that apprehensions were up by more than 230 percent in September 2021 compared to September of 2020.

If you want to know why we have this crisis at the border, ask the migrants themselves. Many have been very honest about why they risk their lives to travel thousands of miles to the United States. If you ask them why—ask them why they are here—their answer is simple: The President promised to let us in.

We are a nation of immigrants, but we cannot have effective legal immigration if illegal immigration is spiraling out of control.

Illegal immigration means cutting in front of millions of people who have been waiting years to come to the United States the right way. Our message as a nation needs to be that if you want to come here, you have to follow our laws. You cannot just walk across the border.

President Obama said it well a few weeks ago in an interview on ABC News. He said:

And we see tragedy and hardship and families that are desperately trying to get here so that their kids are safe, and they're in some cases fleeing violence or catastrophe. At the same time, we're a nation state. We have borders. The idea that we can just have open borders is something that . . . as a practical matter, is unsustainable.

Well, ABC cut that portion of the interview out. I suppose they can't allow a former President of the United States to disagree with the radical left-wing of their party.

This is all taking place against the backdrop of the highest inflation rate in decades and massive supply chain issues that threaten to cripple our recovering economy. The White House insists these problems are only going to affect the upper class—they are high-class problems. Press Secretary Jen

Psaki said the other day that our supply chain issues are nothing more than "the tragedy of the treadmill that's delayed." What an out-of-touch thing to say. She must be talking about her friends and neighbors here in DC because I don't know many Nebraskans who are spending thousands of dollars on in-home treadmills.

Rising costs and shortages are hurting everyone—most of all, the tens of millions of Americans who are living paycheck to paycheck. The President's shameless "buy now, pay later" policies are forcing hard-working Americans to pay an extra dollar for a gallon of gas while they watch the real value of their retirement accounts slump.

They might not live in Washington or New York or San Francisco, but these are real people. They are small business owners who are wondering if they will be able to get the supplies that they need to meet historic demand this holiday season. They are millions of hard-working Americans who rely on propane to heat their homes who are worried about getting priced out of a warm house this winter. They are families who don't know if they will be able to put food on the table for their kids.

Anyone who thinks most people's first concern is whether the newest Peloton is going to arrive on time, they have no idea what working Americans do to get by every single day.

What has the response to these unprecedented problems been in the media? The Washington Post said it is "time for some new, more realistic expectations." I think people will find that "lower your expectations" is not a very optimistic and it is not a very inspiring slogan for the party in power.

And as dangerous as this wave of inflation is, it is really not like nobody saw it coming. Larry Summers, the liberal economist who directed the National Economic Council under President Obama, has been sounding the alarm for months. He is not the only one. Dozens of leading experts have warned against borrowing trillions of dollars to expand the reach of government when inflation is already running rampant.

But, earlier this year, Democrats in Congress spent nearly \$2 trillion on an entirely partisan basis under the pretense that it was necessary to fight the pandemic. So what is the fix? What is the fix? How is President Biden going to pull America back from the brink of stagflation?

Well, he wants to spend even more of the American people's hard-earned money. The President said in August that the massive, multitrillion-dollar spending spree he wants this Chamber to approve "won't increase inflation. It will take the pressure off of inflation."

Well, he leaves how that might happen to our imagination. In reality, trying to spend our way out of inflation is like trying to put a fire out with lighter fluid; it is absolutely delusional.

We cannot just keep spending more and more, not when, as the senior Senator from West Virginia said recently, “[m]illions of jobs are open, supply chains are strained, and unavoidable inflation taxes are draining workers’ hard-earned wages as the price of gasoline and groceries continues to climb.”

Out-of-control spending is how we got here in the first place, and the longer we keep at it, the worse it is going to get. Some Democrats are fond of saying that this bill will cost zero dollars because, well, it might be paid for through new taxes. The truth is that their plan would create trillions of dollars in new entitlements, and even if they do find a way to pay for it, which I doubt, that doesn’t mean it is free. That money has to come from somewhere, and the Joint Committee on Taxation has shown that two-thirds of Democrats’ proposed new tax burdens—they would fall on the lower and the middle class of this country.

I wish I could say the outrageous pricetag is the only thing wrong with the Democrats’ tax-and-spend boondoggle, but what is actually in their plan might even be more irresponsible. It would allow the IRS to snoop on Americans’ bank accounts if their inflows and their outflows exceed \$10,000 per year.

Now, that is a lot of money, but let’s put it in perspective. Federal agents would get to see your house and car payments, how much you spend on groceries and gas, heating bills, school costs for your kids, and everything else that you spend in a year just to get by. So spending over \$10,000 a year on these essentials that are in our lives, they would let the IRS be in just about every American’s bank account.

Democrats’ plan would also expand green energy tax credits for wealthy Americans so they can buy expensive electric vehicles they can already afford. A millionaire can buy the most expensive new Tesla for \$150,000, and under what the senior Senator from Oregon has proposed, they will be able to claim a tax credit worth \$12,500. Nebraska taxpayers don’t need to be subsidizing new electric cars for rich Americans.

And maybe worst of all, the House plan does not include the Hyde amendment, which Republicans and Democrats have agreed on for decades. If the radical left succeeds in taking that out, taxpayers will be required to pay for abortions for the first time in more than 40 years.

The American people have been watching this country bounce from crisis to crisis to crisis, and after so many disasters in a row, one poll shows that President Biden’s approval rating is down to just 37 percent. Barely a third of Americans approve of the job this President is doing, and a majority say this administration is not competent.

That should tell President Biden that his agenda isn’t as popular in the rest of America as it is in the beltway bubble. But, instead, the President is forg-

ing ahead with more Federal Government controls.

There is now even talk of a Federal vaccine mandate. The government is going to twist an obscure labor law beyond recognition to force Americans to take that vaccine.

I believe in the vaccines. I believe they are safe and effective and we should be encouraging people to choose to get vaccinated, but the government—the government—simply has no business requiring Americans to do it. Under the President’s new Executive order, businesses with more than 100 employees are being forced to comply with the vaccine mandate or submit employees to weekly testing; otherwise, they will risk losing crucial employees.

I recently signed on to a letter led by the junior Senator from Alaska that urges the President to reconsider. There is absolutely no precedent in American history for a Federal vaccine requirement, and President Biden will be on entirely new legal ground if he moves ahead with this.

One of the most unsettling things I have seen from this administration wasn’t something that they said or did; it was something that they left unsaid. When Jen Psaki broke the news that the Federal Government was going to try to force through this mandate, she smiled. In response to a reporter who asked if the President had the power to enforce vaccination for private employees—not Federal contractors, private employees—she said, “Yes. Stay tuned.” And then she grinned.

Without saying anything, she showed that the Biden administration is relishing this chance to push the limits of Executive power. When you take that together with the incompetence that has been on display since January, from the Afghanistan debacle to the crisis at our southern border, to our administration’s complete disregard for how inflation is devastating hard-working families and the poor in our country, I think you start to get a good idea of what the Biden administration is all about.

They are going to trample on the Constitution to advance a radical left agenda that is truly unprecedented in American history, and they don’t care how many disasters they continue to create.

Thank you.

Madam President, I would ask consent that the 5:15 vote occur immediately.

The PRESIDING OFFICER (Ms. SMITH). Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 368, Hampton Y. Dellinger, of North Carolina, to be an Assistant Attorney General.

Charles E. Schumer, Ben Ray Lujan, Richard J. Durbin, Christopher A. Coons, Elizabeth Warren, John Hickenlooper, Jacky Rosen, Brian Schatz, Tammy Baldwin, Patrick J. Leahy, Kirsten E. Gillibrand, Richard Blumenthal, Benjamin L. Cardin, Catherine Cortez Masto, Cory A. Booker, Raphael Warnock, Alex Padilla.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Hampton Y. Dellinger, of North Carolina, to be an Assistant Attorney General, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent the Senator from Texas (Mr. CRUZ) and the Senator from South Dakota (Mr. ROUNDS).

The yeas and nays resulted—yeas 51, and nays 45, as follows:

[Rollcall Vote No. 440 Ex.]

YEAS—51

Baldwin	Heinrich	Padilla
Bennet	Hickenlooper	Peters
Blumenthal	Hirono	Reed
Booker	Kaine	Rosen
Brown	Kelly	Sanders
Cantwell	King	Schatz
Cardin	Klobuchar	Schumer
Carper	Leahy	Shaheen
Casey	Lujan	Sinema
Collins	Manchin	Smith
Coons	Markey	Stabenow
Cortez Masto	Menendez	Tester
Duckworth	Merkley	Van Hollen
Durbin	Murkowski	Warnock
Gillibrand	Murphy	Warren
Graham	Murray	Whitehouse
Hassan	Ossoff	Wyden

NAYS—45

Barrasso	Grassley	Portman
Blackburn	Hagerty	Risch
Blunt	Hawley	Romney
Boozman	Hoeben	Rubio
Braun	Hyde-Smith	Sasse
Burr	Inhofe	Scott (FL)
Capito	Johnson	Scott (SC)
Cassidy	Kennedy	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Cramer	Lummis	Tillis
Crapo	Marshall	Toomey
Daines	McConnell	Tuberville
Ernst	Moran	Wicker
Fischer	Paul	Young

NOT VOTING—4

Cruz	Rounds
Feinstein	Warner

The PRESIDING OFFICER. On this vote, the yeas are 51 and the nays are 45.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Hampton Y.